

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

AVENTIS PHARMACEUTICALS INC.,  
MERRELL PHARMACEUTICALS INC.,  
and CARDERM CAPITAL L.P.,

Plaintiffs,

v.

IMPAX LABORATORIES, INC., *et al.*,

Defendants.

Civil Action No. 02-1322 (GEB)(MCA) (Dkt. #298)

and Coordinated Actions:

No. 03-1179 (GEB)(MCA) (Dkt. #253)  
No. 03-1180 (GEB)(MCA) (Dkt. #224)  
No. 03-5108 (GEB)(MCA) (Dkt. #157)  
No. 03-5829 (GEB)(MCA) (Dkt. #156)  
No. 04-1075 (GEB)(MCA) (Dkt. #178)  
No. 04-1076 (GEB)(MCA) (Dkt. #184)  
No. 04-1077 (GEB)(MCA) (Dkt. #226)  
No. 04-1078 (GEB)(MCA) (Dkt. #266)  
No. 04-2305 (GEB)(MCA) (Dkt. #149)  
No. 04-3194 (GEB)(MCA) (Dkt. #143)  
No. 05-4255 (GEB)(MCA) (Dkt. #115)  
No. 06-5463 (GEB)(MCA) (Dkt. #100)  
No. 07-5054 (GEB)(MCA) (Dkt. #98)  
No. 07-5180 (GEB)(MCA) (Dkt. #100)  
No. 09-0325 (GEB)(MCA) (Dkt. #74)  
No. 09-4638 (GEB)(MCA) (Dkt. #223)  
No. 09-5179 (GEB)(MCA) (Dkt. #55)  
No. 10-1471 (GEB)(MCA) (Dkt. #38)

*Document Filed Electronically*

ORDER TO SEAL

THIS MATTER having been opened to the Court by Defendants<sup>1</sup>, by and through Saiber LLC and Rothwell, Figg, Ernst & Manbeck, P.C., attorneys for Defendant Mylan Pharmaceuticals Inc. ("Mylan"), in connection with Defendants' Motion to Seal, pursuant to

<sup>1</sup> Defendants are comprised of Dr. Reddy's Laboratories, Ltd., Dr. Reddy's Laboratories, Inc., Amino Chemicals, Ltd., Dipharma Francis, S.r.l., Impax Laboratories, Inc., Mylan Pharmaceuticals, Inc., Sun Pharma Global Inc., Sun Pharmaceutical Industries, Inc., Sun Pharmaceutical Industries Ltd., Wockhardt Ltd., and Wockhardt USA Inc., (collectively, "Defendants").

Local Civil Rule 5.3(c), portions of Defendants' Opening *Markman* Brief and the entirety of selected exhibits attached to the Declaration of Glenn E. Karta; and the Court having considered the papers submitted by Defendants in support of the within Motion; and papers submitted by Plaintiffs Aventis Pharmaceuticals, Inc., Merrell Pharmaceuticals, Inc., Carderm Capital L.P., Aventis Inc., sanofi-aventis S.A., Aventissub II Inc., Albany Molecular Research, Inc., and sanofi-aventis U.S. LLC ("Aventis" or "Plaintiffs") in opposition thereto, if any; and the Court having considered and adopted the Declaration of Glenn E. Karta, Esq., and the Findings of Fact and Conclusions of Law submitted by Defendants in support of the within Motion; and the Court having further found that the standards of Local Civil Rule 5.3(c)(2) have been met and support the sealing of the foregoing Confidential documents and information; ~~and the Court having~~ *and no opposition having been filed;*  
~~considered oral argument of the parties, if any;~~ and for the reasons set forth in the record of the proceedings, and for other and good cause having been shown,

IT IS on this 20 day of Sept 2010;

**ORDERED** that Defendants' Motion pursuant to Local Civil Rule 5.3(c) to Seal the subject documents and information be and the same is hereby granted; and it is further

**ORDERED** that the following shall be sealed:

- Defendants' Opening *Markman* Brief in Support of Their Proposed Claim Constructions
  - Page 12, lines 12-22;
  - Page 21, lines 21-28;
  - Page 25, line 26 after "Branch" through line 29 ending at "Karta;"
  - Page 25, line 32 after "opined" through page 26, line 3 ending at "Karta;"
  - Page 28, lines 16 after "Branch" through the end of line 19;

- Page 29, line 25 through page 30, line 7;
  - Page 30, line 9 after “opined that” through the end of line 13;
  - Page 44, line 22 through 24 ending at “Karta;”
  - Page 58, line 6 starting after “Karta Dec. Ex. 22, ¶29” through 8 ending at “(Karta Dec. Ex. 25, p. 141, lines 4-11);”
  - Page 61, line 9 through page 63, line 9 ending at “Karta,” including the entirety of the footnote on page 62 that continues onto page 63.
- Exhibit 5 to the Declaration of Glenn E. Karta (“Karta Declaration);
  - Exhibit 6 to the Karta Declaration;
  - Exhibit 9 to the Karta Declaration;
  - Exhibit 22 to the Karta Declaration;
  - Exhibit 25 to the Karta Declaration;
  - Exhibit 28 to the Karta Declaration;
  - Exhibit 29 to the Karta Declaration;
  - Exhibit 30 to the Karta Declaration;
  - Exhibit 31 to the Karta Declaration;
  - Exhibit 32 to the Karta Declaration; and
  - Exhibit 33 to the Karta Declaration; and it is further

**ORDERED** that said documents and information shall be sealed and shall be filed

**UNDER SEAL** with this Court.



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**HONORABLE MADELINE COX ARLEO  
UNITED STATES MAGISTRATE JUDGE**